



PUBLIC NOTICE

FEDERAL COMMUNICATIONS COMMISSION
445 TWELFTH STREET, S.W.
WASHINGTON, D.C. 20554

DA 11-945

News media information 202/418-0500 Fax-On-Demand 202/418-2830 Internet: <http://www.fcc.gov> <ftp.fcc.gov>

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PROPOSED TRANSFER OF CONTROL OF T-MOBILE USA, INC. AND ITS SUBSIDIARIES FROM DEUTSCHE TELEKOM AG TO AT&T INC.

ADDITIONAL LOCAL NUMBER PORTABILITY INFORMATION TO BE PLACED INTO THE RECORD, SUBJECT TO PROTECTIVE ORDER

WT Docket No. 11-65
CC Docket No. 99-200

On March 21, 2011, AT&T Inc. (“AT&T”) and Deutsche Telekom AG (“Deutsche Telekom”) announced an agreement under which AT&T would acquire T-Mobile USA, Inc. (“T-Mobile USA”) from Deutsche Telekom in a cash-and-stock transaction currently valued at approximately \$39 billion, and on April 21, 2011, AT&T and Deutsche Telekom filed applications seeking Commission consent to the transfer of control of licenses and authorizations held by T-Mobile USA and its wholly-owned and controlled subsidiaries.¹

On April 18, 2011, the Commission released a public notice stating that it intends in this proceeding to examine information contained in the Numbering Resource Utilization and Forecast (“NRUF”) reports filed by wireless telecommunications carriers² and carrier-specific local number portability (“LNP”) data related to wireless telecommunications carriers, and to place that information into the record, subject to a protective order.³

At this time, we announce that, in order to further assist the Commission in assessing the competitive effects of the transaction, we intend to place LNP data into the record at a more disaggregated level, subject to the *NRUF/LNP Protective Order*. The LNP data that were the subject of the prior Public Notice were aggregated by carrier; that is, they showed the total number of ports in and ports out per carrier. These new data show, on a monthly basis, the specific number of ports from each wireless carrier to another wireless carrier in each area; that is, the data show for each wireless carrier, the wireless carrier that is the recipient of ported numbers from the initial carrier (“Carrier-to-Carrier LNP Data”).

¹ See AT&T Inc. and Deutsche Telekom AG Seek FCC Consent to the Transfer of Control of the Licenses and Authorizations Held by T-Mobile USA, Inc. and Its Subsidiaries to AT&T Inc., WT Docket No. 11-65, *Public Notice*, DA 11-799 (rel. Apr. 28, 2011).

² See 47 C.F.R. § 1.907.

³ See Proposed Transfer of Control of T-Mobile USA, Inc. and Its Subsidiaries From Deutsche Telekom AG to AT&T Inc.; Numbering Resource Utilization and Forecast (NRUF) Reports and Local Number Portability Reports To Be Placed Into the Record, Subject to Protective Order, WT Docket No. 11-65, CC Docket No. 99-200, *Public Notice*, DA 11-710 (rel. Apr. 18, 2011) (“*NRUF/LNP PN*”). See also Applications of AT&T Inc. and Deutsche Telekom AG for Consent To Assign or Transfer Control of Licenses and Authorizations, WT Docket No. 11-65, *NRUF/LNP Protective Order*, DA 11-711 (rel. Apr. 18, 2011) (“*NRUF/LNP Protective Order*”). Pursuant to the terms of the *NRUF/LNP PN*, the data was placed into the record on April 28, 2011.

Accordingly, the Commission intends to place into the record in this proceeding monthly Carrier-to-Carrier LNP Data for all wireless telecommunications carriers for the period January 1, 2007 through December 31, 2010 that the Commission receives from NeuStar, Inc. As stated in the *NRUF/LNP PN*, the Commission has recognized that LNP data should be treated as confidential and should be exempt from public disclosure under 5 U.S.C. § 552(b)(4).⁴ Therefore, the additional LNP reports are being placed into the record subject to the provisions of the *NRUF/LNP Protective Order*, and, as such, will not be available to the public except pursuant to the terms of the *NRUF/LNP Protective Order*, as outlined below.

Persons seeking to review the NRUF or LNP data may do so only for purposes of participating in this proceeding. Pursuant to the *NRUF/LNP Protective Order*, outside persons participating or intending to participate in the proceeding who are not involved in competitive decision-making activities and who have signed the Acknowledgment of Confidentiality attached to the *NRUF/LNP Protective Order* may review the NRUF and LNP data. We emphasize that persons seeking to review the NRUF or LNP data must have adequate protections in place to prevent improper use or disclosure of the information.

Affected parties have until **June 3, 2011**, to oppose disclosure of this additional LNP data. In addition, affected parties will have five business days after the filing of an Acknowledgment of Confidentiality to object to the release of the additional LNP data to a particular person who requests permission to review it. For those individuals who have already submitted Acknowledgments of Confidentiality regarding the NRUF and LNP data and that wish to review the new LNP data once it is placed in the record, we direct that they sign a new Acknowledgment of Confidentiality in order to gain access to the additional LNP data.

If the Commission receives no opposition from affected parties by **June 3, 2011**, the Commission will place the additional LNP data into the record subject to the safeguards contained in the *NRUF/LNP Protective Order*. If disclosure is opposed, the procedures set forth in 47 C.F.R. § 0.461(i) shall apply. All filings should refer to WT Docket No. 11-65.

Under the Commission's current procedures for the submission of filings and other documents,⁵ submissions in this matter may be filed electronically (*i.e.*, through ECFS) or by hand delivery to the Commission.

- **If filed by ECFS,**⁶ comments shall be sent as an electronic file via the Internet to <http://www.fcc.gov/e-file/ecfs.html>. In completing the transmittal screen, commenters should include their full name, U.S. Postal Service mailing address, and the applicable docket number. Parties may also submit an electronic comment by Internet e-mail. Parties are reminded that unredacted comments and other material containing confidential information may not be filed electronically.
- **If filed by paper,** the original and four copies of each filing must be filed by hand or messenger delivery, by commercial overnight courier, or by first-class or overnight U.S. Postal Service mail. All hand-delivered or messenger-delivered paper filings for the Commission's Secretary must be delivered to FCC Headquarters at 445 12th St., SW, Room TW-A325, Washington, DC 20554.

⁴ See Numbering Resource Optimization, CC Docket No. 99-200, *Report and Order and Further Notice of Proposed Rule Making*, 15 FCC Rcd 7574, 7607 ¶ 78 (2000).

⁵ See FCC Announces Change in Filing Location for Paper Documents, *Public Notice*, 24 FCC Rcd 14312 (2009).

⁶ See Electronic Filing of Documents in Rulemaking Proceedings, GC Docket No. 97-113, *Report and Order*, 13 FCC Rcd 11322 (1998).

The filing hours at this location are 8:00 a.m. to 7:00 p.m. All hand deliveries must be held together with rubber bands or fasteners. Any envelopes must be disposed of before entering the building. Commercial overnight mail (other than U.S. Postal Service Express Mail and Priority Mail) must be sent to 9300 East Hampton Drive, Capitol Heights, MD 20743. U.S. Postal Service first-class, Express, and Priority mail should be addressed to 445 12th Street, S.W., Washington, D.C. 20554. All filings must be addressed to the Commission's Secretary, Office of the Secretary, Federal Communications Commission.

One copy of each pleading must be delivered electronically, by e-mail or facsimile, or, if delivered as paper copy, by hand or messenger delivery, by commercial overnight courier, or by first-class or overnight U.S. Postal Service mail (according to the procedures set forth above for paper filings), to: (1) the Commission's duplicating contractor, Best Copy and Printing, Inc., at 445 12th St., SW, Room CY-B402, Washington, DC 20554, fcc@bcpiweb.com, or (202) 488-5563 (facsimile); (2) Kathy Harris, Mobility Division, Wireless Telecommunications Bureau, at kathy.harris@fcc.gov, or (202) 418-7447 (facsimile); (3) Stacy Ferraro, Spectrum and Competition Policy Division, Wireless Telecommunications Bureau, at stacy.ferraro@fcc.gov, or (202) 418-7447 (facsimile); and (4) Jim Bird, Office of General Counsel, at jim.bird@fcc.gov, or (202) 418-1234 (facsimile).

This action is taken pursuant to Sections 4(i) and 310(d) of the Communications Act, 47 U.S.C. §§ 154(i), 310(d), Section 4 of the Freedom of Information Act, 5 U.S.C. § 552(b)(4), and authority delegated under section 0.331 of the Commission's rules, 47 C.F.R. § 0.331, and is effective upon its adoption.

For further information, contact Kathy Harris, Mobility Division, Wireless Telecommunications Bureau, at (202) 418-0609, or Stacy Ferraro, Spectrum and Competition Policy Division, Wireless Telecommunications Bureau, at (202) 418-0795.

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